

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

March 4, 2014

7:00 p.m.

Present at the 7:00 p.m. meeting were:

Chairman: James Bowman

Commissioners Present: Patricia Brill
Angela Dressel
Andy Hegedus
Edgar Johnson
Alan Silverman

Commissioners Absent: Bob Cronin

Staff Present: Maureen Feeney Roser, Planning and Development Director
Mike Fortner, Development Supervisor

Chairman James Bowman called the Planning Commission meeting to order at 7:00 p.m.

1. THE MINUTES OF THE FEBRUARY 4, 2014 PLANNING COMMISSION MEETING.

As there were no additions or corrections, the minutes of the February 4, 2014 were approved as submitted.

2. REVIEW AND CONSIDERATION OF A SUBDIVISION AMENDMENT FOR CHAPTER 27, APPENDIX III, SECTION VIII, WETLANDS, TO GIVE THE PUBLIC WORKS AND WATER RESOURCES DIRECTOR AUTHORITY, IN CERTAIN INSTANCES, TO MODIFY THE SITE DESIGN AND CONSTRUCTION REQUIREMENTS CONCERNING WETLANDS.

Ms. Feeney Roser summarized her report to the Planning Commission which reads as follows:

“The Public Works and Water Resources Department has raised a concern with the potential negative impact of the City’s Subdivision and Development Regulations as they relate to site design and construction requirements for already developed lands. Specifically, Appendix III, Drainage Code, Section VIII, Wetlands, Section (c)(2) provides buffer areas for undeveloped and developed areas of the City. However, because of the existing Code verbiage, developed lands are unintentionally treated more stringently than undeveloped lands. Specifically, this section reads:

“For undeveloped lands, a 50 foot buffer area surrounding the wetlands measured from the edge of the wetlands jurisdictional line shall be required. This buffer area shall consist of natural and minimally disturbed vegetation, with any such disturbance subject to the standards in subsection (1) above. A five foot wide pathway mowed to a minimum height of four inches through the buffer for pedestrian access to the wetland(s) may be permitted. For wetlands located on previously developed parcels, the buffer area shall consist of the area between the site’s impervious surface and the wetlands jurisdictional line.”

Therefore, for developed lands the extent of the buffer may actually be wider than the 50 foot wide buffer area for undeveloped parcels. In other words, if the developed

site's impervious surface is further from the wetlands jurisdictional line than the 50 foot wide buffer required for undeveloped lands, the developed parcel would be held to a higher standard (a wider buffer) than undeveloped lands. This was an unintentional consequence of the language because clearly, if a 50 foot buffer is the standard for new development of raw land, the 50 foot buffer should also be adequate for redevelopment of existing developed sites. Therefore, we suggest correcting this discrepancy by adding the words "no wider than 50 feet" to the last sentence of Chapter 27, Appendix III, Section (c)(2) to read, as follows:

"For wetlands located on previously developed parcels, the buffer area shall consist of the area, no wider than 50 feet, between the site's impervious surface and the wetlands jurisdictional line."

In addition, the Department raised concerns that while the regulations afford the Public Works and Water Resources Director the discretion to approve modifications to a subdivision plan site design to preserve wetlands area or to minimize the disturbance of them, he does not have the authority to approve modifications that enhance the existing wetlands. Specifically, Chapter 27, Section VIII, Design Alternatives, Section D, reads as follows:

"The Public Works Director may approve modifications to the subdivision plan site design that serves to preserve wetlands areas or minimize the disturbance of the wetlands. As specified in the Delaware Sediment and Stormwater Regulations, wetlands disturbance for stormwater management shall be limited to the construction of pond embankments, provided that the intended or functional aspects of the stormwater facility and wetlands are maintained or enhanced and the construction of the wetlands for this purpose is the only reasonable alternative. All necessary state and federal permits must be obtained and mitigation measures satisfied."

Therefore, we suggest that the first sentence of this section be amended to include approving modifications which will result in the enhancement of wetland areas. We also recommend that, at the same time, we change the name of the director to reflect the recently consolidated Public Works and Water Resources Department. Therefore, we recommend that Chapter 27, Appendix III, Section VIII (b)(d) Design Alternatives be amended by deleting the first sentence and replacing it with the following sentence:

"Notwithstanding, the site design and construction requirements set forth in the preceding subsection (c), the Public Works and Water Resources Director may approve modifications to the subdivision plan site design that serve to preserve or enhance wetland areas or minimize the disturbance of wetlands."

Recommendation

In order to avoid unintended consequences in the current Code language for wetlands, while continuing to protect and enhance our existing wetlands, the Planning and Development Department and the Public Works and Water Resources Department suggest the Planning Commission consider **recommending to City Council the following:**

A. Amend Subdivision and Development Regulations, Chapter 27, Article III, Section VIII(c)(2) by adding the following italicized language to the existing language:

"For undeveloped lands, a 50 foot buffer area surrounding the wetlands measured from the edge of the wetlands jurisdictional line shall be required. This buffer area shall consist of natural and minimally disturbed vegetation, with any such disturbance subject to the standards in subsection (1) above. A five foot wide pathway mowed to a minimum height of four inches through the buffer for pedestrian access to the wetland(s) may be permitted. For wetlands located on previously developed parcels, the buffer area shall consist of the area, *no wider than*

50 feet, between the site's impervious surface and the wetlands jurisdictional line.” and,

- B. Delete the first sentence of Chapter 27, Appendix III, Section VIII(d), Design Alternatives and replace it with the following sentence (changes in italics):**

“Notwithstanding, the site design and constructions requirements set forth in the preceding subsection (c), the Public Works and Water Resources Director may approve modifications to the subdivision plan site design that serves to preserve or enhance wetlands areas or minimize the disturbance of wetlands.”

When City Council reviewed the amendments and the Commission's recommendation at their February 10th meeting some members of the public suggested that the proposed amendments should have been reviewed by the Conservation Advisory Commission as well as the Planning Commission prior to Council review. Council and staff agreed. Unfortunately, rather than tabling the ordinance until such time as the Conservation Advisory Commission could review the proposed amendments. Council voted down the ordinance. This action requires beginning the review process again starting with Planning Commission review. Therefore, the identical amendments have been placed on tonight's agenda along with the original Planning and Development Department Report dated November 22, 2013, excerpts from the December 3rd Planning Commission minutes and the Commission's motion. Also, please be advised that the proposed amendments have been reviewed with the Conservation Advisory Commission at their regularly scheduled meeting on Tuesday, February 11th and no changes to the proposed amendments were suggested at that time. However, it is important to note that because there was not a seven day notice (posting) of the CAC discussion of the amendments at the February 11th meeting, the Commission will, again, review the matter at their March 11, 2014 meeting, which is after your review.

I will be happy to try to answer any questions the Commission may have concerning the proposed amendments or, of course, the review process.

Mr. Bowman: Are there any questions from any members of the Commission?

Mr. Alan Silverman: Maureen, was it an administrative misunderstanding that caused the (inaudible).

Ms. Feeney Roser: Yes. I was not at the Council meeting but I reviewed the audio of it and it appears that because of the way the motion was structured, Council voted it down instead of tabling it. Based on that, it has to come back through the process again.

Mr. Silverman: So, there is essentially no change?

Ms. Feeney Roser: There is no change. This is the exact same thing that you looked at in December. So, I apologize for bringing it back to you again.

Mr. Bowman: Are there any other comments from the members of the Commission? Is there anyone in the public who wishes to speak to this proposed amendment? Hearing none, I will bring it back to the table for a recommendation from the Commission.

MOTION BY DRESSSEL, SECONDED BY JOHNSON THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

- A. AMEND SUBDIVISION AND DEVELOPMENT REGULATIONS, CHAPTER 27, ARTICLE III, SECTION VIII(C)(2) BY ADDING THE FOLLOWING ITALICIZED LANGUAGE TO THE EXISTING LANGUAGE:**

“FOR UNDEVELOPED LANDS, A 50 FOOT BUFFER AREA SURROUNDING THE WETLANDS MEASURED FROM THE EDGE OF THE WETLANDS JURISDICTIONAL LINE SHALL BE REQUIRED. THIS BUFFER AREA SHALL CONSIST OF NATURAL AND MINIMALLY DISTURBED VEGETATION, WITH ANY SUCH DISTURBANCE SUBJECT TO THE STANDARDS IN SUBSECTION (1) ABOVE. A FIVE FOOT WIDE PATHWAY MOWED TO A MINIMUM HEIGHT OF FOUR INCHES THROUGH THE BUFFER FOR PEDESTRIAN ACCESS TO THE WETLAND(S) MAY BE PERMITTED. FOR WETLANDS LOCATED ON PREVIOUSLY DEVELOPED PARCELS, THE BUFFER AREA SHALL CONSIST OF THE AREA, *NO WIDER THAN 50 FEET*, BETWEEN THE SITE’S IMPERVIOUS SURFACE AND THE WETLANDS JURISDICTIONAL LINE.” AND,

- B. DELETE THE FIRST SENTENCE OF CHAPTER 27, APPENDIX III, SECTION VIII(D), DESIGN ALTERNATIVES AND REPLACE IT WITH THE FOLLOWING SENTENCE (CHANGES IN ITALICS):

“NOTWITHSTANDING, THE SITE DESIGN AND CONSTRUCTIONS REQUIREMENTS SET FORTH IN THE PRECEDING SUBSECTION (C), THE PUBLIC WORKS AND WATER RESOURCES DIRECTOR MAY APPROVE MODIFICATIONS TO THE SUBDIVISION PLAN SITE DESIGN THAT SERVES TO PRESERVE OR ENHANCE WETLANDS AREAS OR MINIMIZE THE DISTURBANCE OF WETLANDS.

VOTE: 6-0

AYE: BOWMAN, BRILL, DRESSEL, HEGEDUS, JOHNSON, SILVERMAN
NAY: NONE
ABSENT: CRONIN

MOTION PASSED UNANIMOUSLY

3. REVIEW AND CONSIDERATION OF A MINOR SUBDIVISION OF THE .3542 ACRE PROPERTY AT 75 RAY STREET AND 0 ROSE STREET IN ORDER TO DEMOLISH THE EXISTING VACANT SINGLE FAMILY DWELLING AT THE SITE, AND REPLACE IT WITH TWO ONE-FAMILY DWELLINGS IN SEMI-DETACHED (DUPLEX) LAYOUT.

Ms. Feeney Roser summarized her report to the Planning Commission which reads as follows:

“On January 2, 2014, the Planning and Development Department received an application from All Purpose, LLC – 75 Ray Street Series for the minor subdivision of the .3542 acre property at 75 Ray Street and 0 Rose Street. The applicants are requesting minor subdivision in order to demolish the existing vacant single family dwelling at the site, and replace it with two one-family dwellings in semi-detached (duplex) layout. Each dwelling unit is proposed to contain four bedrooms.

Please see the attached Ramesh C. Batta Associates, PA minor subdivision plan. The Planning and Development Department’s report on the 75 Ray/0 Rose Street minor subdivision follows:

Property Description and Related Data

1. Location:

The property is located on the southwest corner of the T intersection of Ray and Rose Streets, adjacent on the south to lands owned by Mt. Zion UAME Church off Rose Street.

2. Size:

.3542 +/- acres

3. Existing Land Use:

0 Rose Street is a small and vacant parcel at the corner of Ray and Rose Streets. It is mostly grass. 75 Ray Street contains a two-story single family dwelling, which is vacant.

4. Physical Condition of the Site:

The property is a developed site that contains one two-story single family dwelling fronting on Ray Street. The rear of the property is adjacent to the Mt. Zion UAME Church, with a stand of tall Pine trees separating the two parcels. The site slopes from the southeast to the northwest, with a significant grade change towards Ray Street.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service, the site contains Elsinboro-Delanco-Urban Land Complex soil. The Natural Resources Conservation Service indicates only "slight" development limitations for these soils for the proposed use.

5. Planning and Zoning:

The property is zoned RD. RD permits the following:

- A. One-family, semidetached dwelling.
- B. Accessory uses and accessory buildings subject to special requirements.
- C. Cluster development subject to site plan approval as provided in Article XXVII
- D. A one-family detached dwelling.
- E. The taking of nontransient boarders or roomers in a one-family dwelling by an owner-occupant family resident of the premises, provided there is no display or advertising on the premises in connection with such use and provided there are not more than three boarders or roomers in any one-family dwelling.
- F. The taking of nontransient boarders or roomers in a one-family dwelling by a non-owner-occupant family resident on the premises, is not a use as a matter of right, but is a conditional use subject to special requirements, including the requirement for a rental permit, and provided there are not more than two boarders or roomers in any one-family dwelling.
- G. Church or other place of worship, seminary or convent, parish house, or Sunday school building.
- H. Public and private elementary, junior, and senior high schools.
- I. Municipal park, playground, athletic field, recreational building, and community center operated on a noncommercial basis for recreation purposes.
- J. Municipal utilities; street rights of way.
- K. Swimming pool, private; swimming pool, public.
- L. Temporary building, temporary real estate or construction office.
- M. Utility transmission and distribution lines.
- N. Public transportation bus or transit stops for the loading and unloading of passengers.
- O. Student Homes, with special requirements

RD also permits, with a Council-granted Special Use Permit, the following:

- A. Nursing home, rest home, or home for the aged, subject to special requirements.
- B. If approved by the Council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- C. Police and fire station, library, museum, and art gallery.

- D. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- E. Professional office in residential dwellings for the resident-owner of single-family dwellings, with special requirements, including the requirement that the professional office is permitted only for the resident-owner of a single-family dwelling.
- F. Customary home occupations subject to special requirements.
- G. Substation, electric, and gas facilities, subject to special requirements.
- H. Day care centers, kindergartens, preschools, day nursery schools, and orphanages, subject to special requirements.
- I. Public transportation bus or transit shelters.
- J. Public transportation bus or transit off-street parking facilities.
- K. Swimming club, private (nonprofit) subject to special regulations.

Please note, the proposed use meets all applicable Zoning Code specifications and area requirements for RD zoning.

Regarding comprehensive planning, the Newark Comprehensive Development Plan IV calls for “single family residential (medium density),” land uses at the location. Plan IV defines, “single family residential (medium density)” as a residential use with densities ranging from four to ten dwelling units per acre. Please note, in this regard that the 75 Ray/0 Rose Streets minor subdivision plan calls for 5.7 units per acre.

Regarding adjacent and nearby properties, the land immediately adjacent to the south of the site is an RD zoned 1.4 acre parcel owned the Mt. Zion UAME Church, which contains the church facility and associated parking. Across Rose Street from the site is an RD parcel, also owned by the Mt. Zion UAME Church, with serves as a cemetery. Beyond the cemetery (further to the east) on either side of Ray Street are UN zoned parcels save one single family dwelling located at 46 Ray Street, which is zoned RD. Directly across Ray Street to the north of the site are single family detached dwellings, which are also zoned RD. Immediately adjacent to the west is an RS single family home used as a rental property, and beyond that are the rear yards of single family units fronting on New London Road and zoned RM.

Status of the Site Design

Please note that at this stage in the Newark subdivision review process, applicants need only show the general site design of the project. For the site design, specific details taking into account topographic and other natural features must be included in the construction improvement plan. If the construction improvement plan, which is reviewed and approved by the operating departments, does not conform substantially to the approved subdivision site plan, the construction improvement plan is referred back to City Council for its further review and reapproval. That is, initial Council subdivision plan approval means that the general site concept has received City endorsement, with the developer left with some limited flexibility in working out the details of the plan -- within Code determined and approved subdivision set parameters -- to respond in a limited way to changing needs and circumstances. This does not mean, however, that the Planning Commission cannot make site design or related recommendations that City Council could include in the subdivision agreement for the project.

Please note for a minor subdivision outside the boundaries of downtown, the Code does not require the applicant to provide drawings of a proposed design for the duplex construction.

Be that as it may, the 75 Ray Street/0 Rose Street minor subdivision plan calls for the demolition of the existing vacant single family dwelling on the site, the relocation of the existing lot line between the two parcels to create two Code compliant RD lots and the construction of two semi-detached residences at the site.

Departmental Comments

The City's Management, Planning and Development and Operating Departments have reviewed the 75 Ray Street/0 Rose Street minor subdivision plan and have the comments provided below. Where necessary, the subdivision plan should be revised prior to its review by City Council. The Departmental comments are as follows:

1. The Electric Department indicates that:
 - The Developer must pay \$400 towards aerial wires and smart meters. Should the development interfere with the City's smart metering system, the cost to repair the system will be charged to the developer. (Please note that this comment was also made by the Public Works and Water Resources Department.
2. The Public Works and Water Resources Department has comments for both Water and Wastewater and Public Works.

Water and Wastewater

Comments are as follows:

- Individual meters shall be provided for each dwelling unit. The developer is responsible for the cost of the meters. The City will determine the size of the meters in coordination with the developer.
- All fire and domestic water services shall have individual valves located at the edge of their right-of-way or back of sidewalk.
- The developer will pay the Sewage Treatment Plant (STP) fee prior to receiving a Certificate of Occupancy (CO) for each unit.
- If existing sanitary sewer is to be reused, the developer shall televise the existing sanitary sewer lateral and provide a copy of the video to the City. The condition of the lateral will be evaluated to determine the suitability for reuse.
- Unused water and sewer services shall be terminated at the utility main or at a location determined by the Public Works and Water Resources Department.
- The developer shall investigate the capacity of the water system to determine if sufficient capacity exists to handle the proposed development and provide the report to the City for review and approval.

Public Works

Comments are as follows:

- A lines and grades plan showing the proposed grading at two foot contours and the location of the retaining walls proposed has been submitted to the department for review and approval. This information should also be included on the minor subdivision plan.
- Much of the sidewalk is settled against the curb. The driveway depression on Rose Street will have to be made up to full height. All sidewalks and handicapped ramps must be replaced to 5 ft. wide and to meet ADA requirements. Any curb that is damaged, settled or misaligned will need to be replaced prior to installing the sidewalks.

3. The Planning and Development Department indicates:
 - The plan meets all area requirements for RD zoning districts and is in compliance with the City's Comprehensive Development Plan, which calls for a single family medium density residential uses at the site. Having said that, however, duplex construction at the location is not

typical of the area as homes in the immediate vicinity are single family detached dwellings. Duplex construction is, however, Code compliant.

- The City's Student Home Ordinance applies to this location as neither Ray nor Rose Streets are on the City's list of exempt streets. Therefore, a student home cannot be located within 500 feet of another student home, and otherwise, dwellings are restricted to a maximum of three unrelated tenants, only two of which can be students. Permits will also be required, if the units are to be rented.
 - The data column on the plan will need to be revised to reflect the impervious surface calculations shown on the lines and grades plan dated February 14, 2014 and previously submitted to the Public Works and Water Resources Department.
 - The minor subdivision plan should also be revised to show the retaining walls as shown on the February 14, 2014 lines and grades plan.
 - A certification of accuracy and subdivision plan approval signature block with space for the City Manager, the City Secretary and the Planning and Development Director's signatures will need to be added to the plan.
 - The assigned City of Newark project number (14-0101) should also be added to the plan.
 - The proposed garages must be adequately sized to accommodate refuse and recycling containers and bike storage, as well as a 9 x18 parking space.
 - While not required by Code, the Department suggests that the proposal would benefit from the submission of color scale elevations showing the proposed duplex buildings on the site for Council review.
4. The Code Enforcements Division indicates that all units on the plan will be required to conform to the International Building Code requirements and the Delaware State Fire Prevention Code in place at the time of building permit application. As such, fire suppression systems for each unit, along with fire systems, will be required.

No other departments had comments regarding this minor subdivision plan.

Recommendation

Because the 75 Ray Street/0 Rose Street minor subdivision, with the departmental recommended conditions, should not have a negative impact on nearby and adjacent properties, because the project conforms to the land use recommendations in the Comprehensive Development Plan, and because the proposal meets all applicable Code requirements, the Planning and Development Department suggests that the Planning Commission recommend that City Council approve the 75 Ray Street and 0 Rose Street minor subdivision, as shown on the Ramesh C. Batta Associates, PA plan dated December 31, 2013, with revisions through February 3, 2014 with the Subdivision Advisory conditions in the Planning and Development Department report."

The applicant is here and I will be happy to answer any questions that you may have for me.

Mr. Bowman: Are there any initial questions for Planning and Development?

Mr. Andy Hegedus: This is the first project that I remember that has the Student Home Ordinance applied to it since I have been on the Commission. Can you go over that in more detail for me, please?

Ms. Feeney Roser: Ray and Rose Streets are not on our list of exempt streets. There are some areas where the majority of units are already student rental housing and those are listed in the Code as exempt from the Student Home Ordinance. Essentially, what it means is for this project that if there is a student home within 500 feet of this site, the 75 Ray Street development cannot be a student home. They can still rent the units; they just can't rent to three students. So, it would have to be two students for a maximum of three people, but only two of the renters can be students.

Mr. Hegedus: I am assuming there are other places within 500 feet of this as the crow flies.

Ms. Feeney Roser: I have not checked the rental roster, but I would think so.

Ms. Dressel: The Ray Street dorms are right there.

Ms. Feeney Roser: Ray Street dorms are there but they would be zoned UD. They wouldn't be a student home, but there are rentals in the area so we would check that before issuing a rental permit, and we have talked with the applicant about that and he is clear that he can't have a student home.

Mr. Silverman: I can't tell from this drawing whether there are garages proposed underneath these buildings.

Mr. Alan Panaccione: There will be a garage. The spaces will be ample for the size that she had stated.

Mr. Silverman: Your driveway is 20 feet wide. If you went with a 9 ft. wide driveway, there would be places theoretically for three cars on each side, so now you are going to have parking also available underneath the building.

Ms. Feeney Roser: Yes. I didn't realize they were going to be two-car garages, so it has to be ample space to have two regulation size parking spaces.

Mr. Panaccione: It is a two-car garage but, obviously, one space will be big enough inside and then I will have space for bikes and trash cans and then there are two spaces outside.

Ms. Feeney Roser: So, it is three spaces per unit. The garage is a one-car garage with extra space for bikes and trash cans.

Mr. Panaccione: It is stated on the Batta plan as a four off-street parking places. They are so deep you would have room for the bikes and the trash in the back of it because it is 32 feet deep also. I do have a set of plans. My father and I are drawing them ourselves.

Mr. Silverman: Point of clarification. The garage door underneath the unit would actually be a double door.

Mr. Panaccione: Yes. 16 feet.

Mr. Silverman: There would be the potential for two parking spaces underneath the unit and possibly two on the asphalt as surface parking.

Mr. Panaccione: Yes.

Mr. Silverman: That should be noted on the general notes that parking will also be provided under the building because right now looking at this I thought all six automobiles would be surface parking where you indicate asphalt.

Ms. Feeney Roser: You are going to have to revise the plan anyway because of the impervious surface so your parking should say four spaces required two in garages, two outside.

Mr. Silverman: Garages under structure.

Mr. Panaccione: You weren't in when I dropped off a revised set of plans that had some lines and grades and had the retaining walls that were changed. Do you have that?

Ms. Feeney Roser: I do, but it says the same thing on the subdivision plan for parking.

Mr. Panaccione: But it has the impervious calculations.

Ms. Feeney Roser: Yes. You improved the impervious coverage, but that should be on the subdivision plan as well as the lines and grades plan.

Mr. Silverman: Also, the City review references sidewalks. Looking at this drawing I cannot tell that there is a sidewalk in place. That should be called out. There is line confusion between the parcel line, the right-of-way line and the curb line. If I look, I can see between the curb line and the right-of-way and property line as space. I assume that is the sidewalk.

Mr. Panaccione: It is.

Mr. Silverman: Is it contiguous with the curb and runs right against the curb?

Mr. Panaccione: Yes.

Mr. Silverman: There is a reference to a curb cut. That should also be noted on the plan; just a drawing where the curb cut is.

Mr. Panaccione: Okay.

Mr. Silverman: Also, there was a reference in the narrative to replacement of damaged sidewalk and curb. That should also be noted on the plan.

Ms. Feeney Roser: I think that could be done on the CIP.

Mr. Silverman: Okay.

Mr. Panaccione: It is all going to be replaced so anything that is damaged is going to be replaced, even the good stuff is going.

Mr. Silverman: Understood. Finally, given the one-way street system and the narrowness of Rose and Ray Streets, would the City, Maureen, require a traffic control sign opposite these driveways along Ray Street showing one-way direction.

Ms. Feeney Roser: Public Works did not propose anything as a result of this development. We could certainly go take a look at it.

Mr. Silverman: If somebody who doesn't know comes in here and they decide they wanted to back up Ray Street, what is there to tell them when they back out?

Ms. Feeney Roser: There are one-way signs.

Ms. Dressel: The sign is at Rose Street and Ray Street.

Mr. Silverman: Opposite these driveways?

Ms. Dressel: Not opposite those driveways, but it is right there.

Mr. Edgar Johnson: Excuse me. You can't have a one-way sign opposite everyone's driveway.

Mr. Silverman: This is the only driveway on this section of street.

Ms. Dressel: There is a driveway across the way. There is another house there.

Mr. Silverman: Just a thought.

Mr. Bowman: Does anybody else have any questions or, Sir, would you like to make any statement. It is your application and your project.

Mr. Panaccione: Basically, the house is in a state of disrepair and I am a local landlord. I have three or four other units in Newark and keep my properties up very well. I am just

looking to try to make an investment. I am not sure if I am going to rent it or sell them as units. I'm not really sure at this point, depending on how construction goes.

Ms. Dressel: Do you have drawings? You said you were working on things. Do you have renderings?

Mr. Panaccione: I have some rough ones. I'm not sure I am going to be able to get color drawings done for Council. Do you think it is that important? My father is a retired DuPont engineer who does my drawings for me and it is going to be hand drawings.

Ms. Feeney Roser: Council likes to know what it is approving, and the Commission likes to know that it is recommending.

Mr. Panaccione: They will be hand drawn but they are not going to be the CAD drawings.

Ms. Feeney Roser: That is fine. The drawings are not technically required. I just think it will be helpful for you with the process, particularly if someone from the neighborhood says, what is that going to look like?

Mr. Panaccione: I'll have good drawings of what we are doing.

Ms. Dressel: It says that your units are proposed to have four bedrooms and we have the restriction of the rental permits and that it could not be student housing. So, is your intent to sell these or to rent to a family?

Mr. Panaccione: I have other rentals that are family rentals. I might sell them. It depends. I have a partner involved in this also, but he is on vacation right now. I'm probably going to rent them, to be honest with you, but I'm not sure. I have four others in Newark and then I have some right outside Newark that are family rentals. I build them myself so it is cost effective.

Ms. Feeney Roser: The zoning will limit them to three unrelated individuals.

Mr. Bowman: We will open it up for public comment now. If there is anyone from the public who wishes to comment or question this project, you can step to the microphone. Seeing none, we will bring it back to the table for a motion for a recommendation.

MOTION BY DRESSEL, SECONDED BY JOHNSON THAT THE PLANNING COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE 75 RAY STREET AND 0 ROSE STREET MINOR SUBDIVISION, AS SHOWN ON THE RAMESH C. BATTI ASSOCIATES, PA PLAN DATED DECEMBER 31, 2013, WITH REVISIONS THROUGH FEBRUARY 3, 2014 WITH THE SUBDIVISION ADVISORY CONDITIONS IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT AND WITH REVISED PLANS BEING SUBMITTED PRIOR TO COUNCIL REVIEW.

VOTE: 6-0

AYE: BOWMAN, BRILL, DRESSEL, HEGEDUS, JOHNSON, SILVERMAN

NAY: NONE

ABSENT: CRONIN

MOTION PASSED UNANIMOUSLY

Ms. Dressel: I just wanted to say thank you for trying to build something that is nonstudent housing. It is nice to see something a little bit different and that might be family oriented.

4. A COMPREHENSIVE DEVELOPMENT PLAN UPDATE DISCUSSION.

Mr. Michael Fortner: I want to give you a quick progress report. I want to do a quick orientation to the newest draft of the Comprehensive Development Plan and the pathway to get this completed.

I want to give you an overview of the draft. First of all, I have the cover. I have not gotten permission to use that image, yet, but I hope I get permission to use it. This draft is not very different from what you reviewed before but it incorporates most of all the comments that our meetings have taken in.

“Why We Plan” is virtually the same as our previous draft. The “Introduction” has changed significantly where I moved the setting and the history up to the front. The “Glossary” will likely expand. The “Community Profile” has been rewritten. It is the same thing that I gave you at the last meeting, if you haven’t gotten to it yet. Please look the “Community Profile” over. The “Visioning” chapter is new to all of you. It has been rewritten and I hope to add some more clarity and some changes that were requested. The “Housing” chapter has been reworked. I gave it out at the last meeting. That is in there except for your review. The “Transportation” chapter, there are only minor edits to that so far. The “Environmental Quality” chapter, I am still working with the Conservation Advisory Commission on that. They are trying to get me some information. We get into the “Economic Development” chapter which hasn’t changed much since your last draft. The “Land Development” chapter, I incorporated a lot since our last meeting, so the maps will still need to change. I am still working with the Institute of Public Administration’s staff to get a lot of corrections. There are still a lot of mistakes in those maps still. Next, we have the “Annexation” chapter. Since our last meeting, I haven’t been able to incorporate all the changes that I intended on doing. I made some of the edits, but not all of them and I plan on making each of the maps bigger and just doing one planning district per page so I can get more on there and incorporate more of the comments from the last meeting. Finally, the “Implementation” chapter is a completely new chapter. I have only made a few of the edits from the meeting. I really don’t like this chapter that much. That is an overview of the plan.

I am proposing Tuesday, March 25th to do a workshop to review the draft. At the workshop, you will come in with your comments and edits. Hopefully, we can make it an efficient and quick meeting. We can change the date, if you like.

Mr. Hegedus: I am not available that day.

Mr. Fortner: I was going to look over the “Visioning” chapter.

Mr. Hegedus: I can read it and give you my markups.

Mr. Fortner: If you give me your edits, we can have that at the meeting. Is March 25th good for everyone else? We will tentatively set the meeting up for March 25th. If the meeting goes well, I would give you a progress report at the April meeting and then I would propose setting the public hearing for Planning Commission’s regularly scheduled meeting on May 6th. It would be a light agenda or possibly this would be the only item. We are not anticipating any big project.

Ms. Feeney Roser: There are no major subdivisions.

Mr. Fortner: That would give us a lot of time to promote it so that people will know that we are going to have a public hearing on it. If the March 25th meeting doesn’t go well, then we could schedule some more to resolve the rest, which we would have plenty of time to do.

Ms. Feeney Roser: I was trying to write down the chapters that had changes. Chapter 4 and Chapter 8, I didn’t hear what you said.

Mr. Fortner: Chapter 4 has been revised since the last meeting. So, it is new. There are some new things in there.

Ms. Feeney Roser: Chapter 8 – Parks and Recreation.

Mr. Fortner: Parks and Recreation, there are a few new maps in that one. Housing is radically different than the previous one.

On February 26th, I went to a pre-PLUS meeting with the State. I met with officials from the Delaware State Housing Authority, the Office of State Planning, DNREC and DelDOT. It was a pre-review of it. There were no major issues. The housing sailed right through. Transportation had a couple of little comments and a few suggestions but nothing really major. DNREC had some suggestions, but nothing significant. They wanted a little stronger air quality statement and a few other things. I will get a letter later this month and I will have it at the March 25th meeting with their comments. Basically, the plan has passed through the PLUS system. Once we give this recommendation, there shouldn't be any more issues with PLUS.

After the Planning Commission recommendation, it goes to Council. I will discuss with Maureen the procedure following Council review. That will give us a lot of time to get this out to the public. At Council meetings there is a lot of public participation. It gives us a chance to make sure this is a transparent process.

Mr. Silverman: When we reach the pre-public hearing stage, how will this document be made available to the public?

Mr. Fortner: It is on the web. I will have extra copies if people want to come in and review it. I can email pdfs. We are publishing this in-house right now. I don't plan on having a copy for everyone in the audience, but we can provide it to them through electronic media.

Mr. Silverman: Given the interest in the community in things like air quality and land use, can we make sure that it is very clear that this is available and should be reviewed before the meeting?

Mr. Fortner: Are you talking about the public?

Mr. Silverman: Yes. A major purpose of our meeting is to hear their comments on the document.

Mr. Fortner: What I am intending to do with the newsletter is to focus on an element of the chapter and trying to drive traffic to the website. The last one I did was on the "Community Profile" and I did a little write-up on the "Community Profile" and then stated, for more information go to the website to read the whole chapter and other chapters. I would like to do that on the "Housing" chapter and say, if you would like to know more, go to the website. I would also like to work with neighborhood and city group websites to drive traffic to the website.

Mr. Silverman: Has there been any thought in how public comments from that meeting would be reincorporated into the document?

Mr. Fortner: From the public hearing?

Mr. Silverman: Yes.

Mr. Fortner: You would make the decisions.

Mr. Silverman: Would it come back to us as a working group?

Mr. Fortner: If there was something significant, we would have to do it that way or you would just say, we want these changes, and then I would make them.

Mr. Silverman: Or would we present a document to Council of the original document and the changes that evolve from the public hearing and let Council hash those out?

Mr. Fortner: That is a good idea.

Mr. Silverman: Particularly, if we found them workable. We wanted chocolate, they wanted vanilla. Everybody wants ice cream.

Mr. Fortner: So, essentially, we keep the plan as is, we have a report on public hearing comments, of what came out of that.

Mr. Hegedus: I would like for us to chat some more about that, depending, because I would think that we would provide our best advise either that night, saying here is what we have heard, and talk and agree on the comments we would like to see incorporated in it or if they are significant, it comes back to us at the next meeting until we get to the point where we say, this is our best judgment including all the public input and then the final document from us would go off to City Council. That is the way I see it going.

Mr. Silverman: I just wanted to get a feeling for how we were going to move forward.

Mr. Hegedus: All the public comments will be on the record for Council to see.

Mr. Fortner: I hope to advertise this next meeting well so at the public hearing there wouldn't be any surprises. It should be that way. There have been a lot of meetings.

Ms. Dressel: It has been open to the public from the very beginning. There have been public workshops.

Mr. Fortner: There have been public meetings for every element of it. For something like the public coming out and proposing something radically different than what we have in here, there would have to be a new element that came out that hasn't come out before.

Mr. Hegedus: Sometimes when the pieces come together it looks a little different.

Ms. Feeney Roser: This draft is not yet on the web.

Mr. Fortner: Most of it is on the web, but the revised visioning chapter is not on the web. The housing chapter is on the web.

Ms. Feeney Roser: We will try to get that up as quickly as possible.

Mr. Hegedus: For me, it helps that we got this now and I can consider this document to be static until we go and give a lot of comments on it and then see the next round based on PLUS comments and our comments.

Mr. Fortner: PLUS comments, Conservation Advisory Committee comments, I am not going to submit another draft, but I'll be reviewing it and coming in with my own comments as we go through it. I am sure Maureen will as well and other department directors will be reviewing this draft. They have already reviewed the draft and they will be reviewing it again.

Ms. Feeney Roser: The point is, though, you're not making changes.

Mr. Fortner: No, it will not be a draft that I have totally reworked.

Mr. Hegedus: It would be good for me if this version was the version that is on the web so that everyone that walks into the 3/25/14 meeting has the same document that we are commenting on.

Mr. Fortner: I will come into the meeting with notes but I won't come in with a new draft.

Mr. Hegedus: Instead of it being a flowing document, I would like for it to be, here's (inaudible).

Mr. Fortner: Chapter 11, I am going to have to make that one page per planning district to get the comments on there. There is some reworking on that. There are consistency things like how I label charts, but those are just going to be notes and those are things that will be done through the editing process. That is the draft.

Mr. Bowman: Are there any other comments?

Public Policy Student UD: Asked Mike's name.

Mr. Fortner: My name is Michael Fortner. I am the Development Supervisor of the Planning and Development Department.

Mr. Bowman: Is there anyone in the audience that would like to comment?

There being no further business the Planning Commission meeting adjourned at 7:42 p.m.

Respectfully Submitted,

Elizabeth A. Dowell
Secretary, Planning Commission